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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,912	05/18/2005	Richard J. Krulik	206,662	5421
38137 7590 08/03/2010 ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017				
EXAMINER VAN TERPOOL, LESTER L				
ART UNIT		PAPER NUMBER		
3782				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,912

Applicant(s)

KRULIK ET AL.

Examiner

LESTER L. VANTERPOOL

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39 and 41-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53-54 is/are allowed.
- 6) ☒ Claim(s) 39, 41-45, 55-59, 67-75 and 83 is/are rejected.
- 7) ☒ Claim(s) 46-52, 60-66 and 76-82 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 39, 41, 42, 43, 67, 68, 70 & 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (U.S. Patent Number 1979978) in view of Myers (U.S. Patent Number 4488624).

Martin discloses at least the first strap retractor device (i.e. Left (8) in Figure 6) mounted to at least the first part of the carry case (i.e. Left Side of (1) in Figure 6), the first strap retractor device (i.e. Left (8) in Figure 6) includes at least two coil-type extension springs (9) and arranged to bias the first end portion of the strap (i.e. Left (2) in Figure 6) toward the retracted position with respect to the carry case (1), the first retractor device (i.e. Left (8) in Figure 6) having means (3 & 4) associated therewith for take-up and storage of at least a portion of the strap (i.e. Left (2) in Figure 6), and at least the second strap retractor device (i.e. Right (8) in Figure 6) mounted to the second part of the carry case (i.e. Right Side of (1) in Figure 6) and includes at least two coil-type extension springs (9), the second strap retractor (i.e. Right (8) in Figure 6) arranged to bias the second end portion of the strap (i.e. Right (2) in Figure 6) generally opposite to the first end portion of the strap (i.e. Left (2) in Figure 6) and having means

(3 & 4) associated therewith for take-up and storage of at least a portion of the strap (i.e. Right (2) in Figure 6).

However, Martin does not disclose the flexible strap having at least first and second end portions.

Myers teaches the flexible strap (30) having at least first (26) and second (28) end portions (See Figure 1).

It would have been obvious to one having to one having ordinary skill in the art at the time the invention was made to make the flexible strap having at least first and second end portions as taught by Myers with the retractable strap device of Martin in order to enhance stability.

Regarding claim 41, Martin discloses the second end portion of the strap (i.e. Right (2) in Figure 6) is (indirectly) coupled to the second strap retractor device (i.e. Right (8) in Figure 6).

Regarding claim 42, Martin discloses the extension springs (9) of the second strap retractor device (i.e. Right (8) in Figure 6) are (indirectly) coupled to the second end portion of the strap (i.e. Right (2) in Figure 6).

Regarding claim 43, Martin discloses each first and second strap retractor device (i.e. Left & Right (8) in Figure 6) includes at least two coil-type extension springs (9).

However, Martin does not disclose at least three coil-type extension springs.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least three coil-type extension springs, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 67, Martin discloses at least the first strap retractor device (i.e. Left (8) in Figure 6) mounted to at least the first part of the carry case (i.e. Left Side of (1) in Figure 6), the first strap retractor device (i.e. Left (8) in Figure 6) includes at least two coil-type extension springs (9) respectively attached to the first portion of the strap (i.e. Left (2) in Figure 6) to bias the first end portion of the strap (i.e. Left (2) in Figure 6) toward the retracted position with respect to the carry case (1), and the second portion of the strap (i.e. Right (2) in Figure 6) opposed to the first portion (i.e. Left (2) in Figure 6) being attached to a correspondingly opposed second part of the carry case (i.e. Right Side of (1) in Figure 6), the first strap retractor device (i.e. Left (8) in Figure 6) having means (3 & 4) for take-up and storage of at least a portion of the strap (2).

However, Martin does not disclose the flexible strap having at least first and second end portions.

Myers teaches the flexible strap (30) having at least first (26) and second (28) end portions (See Figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the flexible strap having at least first and

second end portions as taught by Myers with the retractable strap device of Martin in order to enhance stability.

Regarding claim 68, Martin discloses the second strap retractor device (i.e. Right (8) in Figure 6) is attached to the second part of the carry case (i.e. Right Side of (1) in Figure 1) opposed to the first part, and the second end portion of the strap (i.e. Right (2) in Figure 2) is attached to the second retractor device (i.e. Right (8) in Figure 6), the second strap retractor device (i.e. Right (8) in Figure 6) having means (3 & 4) for take-up and storage of at least the portion of the strap (2).

Regarding claim 70, Martin discloses method step of (b) coupling the first end of the strap (i.e. Left (2) in Figure 6) to the first strap retractor the first strap retractor device (i.e. Left (8) in Figure 6) including at least two coil-type extension springs (9) arranged to bias the first end of the strap (i.e. Left (2) in Figure 6) toward the first retractor device (i.e. Left (8) in Figure 6); (c) mounting the first strap retractor device (i.e. Left (8) in Figure 6) to the first part of the carry case (i.e. Left Side of (1) in Figure 6); (d) coupling the second end portion of the strap (i.e. Right (2) in Figure 6) to the second strap retractor device (i.e. Right (8) in Figure 6), the second strap retractor device (i.e. Right (8) in Figure 6) including at least two coil-type-extension springs (9) arranged to bias the second end portion of the strap (i.e. Right (2) in Figure 2) toward the second strap retractor device (i.e. Right (8) in Figure 6); (e) mounting the second retractor

device (i.e. Right (8) in Figure 6) to the second part of the carry case (i.e. Right Side of (1) in Figure 6) opposite the first part of the carry case (i.e. Left Side of (1) in Figure 6).

However, Martin does not disclose the method step of the flexible strap having at least first and second end portions.

Myers teaches the method step of the flexible strap (30) having at least first (26) and second (28) end portions (See Figure 1).

It would have been obvious to one having to one having ordinary skill in the art at the time the invention was made to make the flexible strap having at least first and second end portions as taught by Myers with the retractable strap device of Martin in order to enhance stability.

Regarding claim 83, Martin discloses at least the first strap retractor device (i.e. Left (8) in Figure 6) mounted to at least the first part of the carry case (i.e. Left Side of (1) in Figure 6), the first strap retractor device (i.e. Left (8) in Figure 6) includes at least two coil-type extension springs (9) and arranged to bias the first end portion of the strap (i.e. Left (2) in Figure 6) toward the retracted position with respect to the carry case (1), the first retractor device (i.e. Left (8) in Figure 6) having means (3 & 4) associated therewith for take-up and storage of at least a portion of the strap (i.e. Left (2) in Figure 6), and at least the second strap retractor device (i.e. Right (8) in Figure 6) mounted to the second part of the carry case (i.e. Right Side of (1) in Figure 6) and includes at least two coil-type extension springs (9), the second strap retractor (i.e. Right (8) in Figure 6) arranged to bias the second end portion of the strap (i.e. Right (2) in Figure 6) generally

opposite to the first end portion of the strap (i.e. Left (2) in Figure 6) and having means (3 & 4) associated therewith for take-up and storage of at least a portion of the strap (i.e. Right (2) in Figure 6).

However, Martin does not disclose the flexible strap having at least first and second end portions.

Myers teaches the flexible strap (30) having at least first (26) and second (28) end portions (See Figure 1).

It would have been obvious to one having to one having ordinary skill in the art at the time the invention was made to make the flexible strap having at least first and second end portions as taught by Myers with the retractable strap device of Martin in order to enhance stability.

3. Claims 44, 45, 55 – 59, 69 & 71 – 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (U.S. Patent Number 1979978) and Myers (U.S. Patent Number 4488624) as applied to claim 41 above, and further in view of Siegert et al., (U.S. Patent Number 4508202).

Martin as modified by above does not disclose each first and second strap retractor device comprises the housing and each extension spring is retained within the housing, each spring having the first end coupled to the housing and the second end coupled to the slider device, the slider devices adapted to selectively take-up and extend the strap in response to forces applied to the strap.

Siegert et al., teaches the strap retractor device comprises the housing (2) and extension spring (9) is retained within the housing (2), the spring (9) having the first end coupled to the housing (2) and the second end coupled to the slider device (36), the slider devices (36) adapted to selectively take-up and extend the strap (5) in response to forces applied to the strap (5) (See Figure 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make each first and second strap retractor device comprises the housing and each extension spring is retained within the housing, each spring having the first end coupled to the housing and the second end coupled to the slider device, the slider devices adapted to selectively take-up and extend the strap in response to forces applied to the strap as taught by Siegert et al., with the retractable strap device of Martin in order to enhance strap protection.

Regarding claim 45, Martin as modified by Siegert et al., disclose the each end of the strap (5) coupled to a respective slider device (36), and each slider device (36) being coupled to respective extension springs (9), each slider device (36) defining the aperture for passage therethrough of the strap (5), such that when the strap (5) is extended in a direction away from the carry case (1), the springs (9) are extended, and when the strap (5) is relaxed, the springs (9) retract and cause the strap to retract and be stored within the housing (2).

Regarding claim 55, Martin as modified by Siegert et al., discloses the a) the housing (2) mounted on the side of the carry case; and

(b) means associated with each the housing (2) for take-up and storage of at least a portion of the strap;

(c) at least two coil-type extension springs (9) mounted within each housing (2) and respectively coupled to opposed end portions of the flexible carry strap (5), the springs (9) adapted to cause the respective opposed end portions of the carry strap (5) to be retracted within the housing (2) when each spring (9) retracts, and to permit each end portion of the carry strap (5) to be extended in directions opposed to each the spring (9) when extension forces are applied to each end of the carry strap (5), thereby causing at least respective portions of the strap (5) to exit each housing (2).

Regarding claim 56, Martin as modified by Siegert et al., discloses the a) the flexible strap having a central portion and at least first and second end portions;

(b) at least one first strap retractor device mounted on at least one first side of the carry case, the strap retractor device having the first housing and at least two resilient coil-type extension springs (9) coupled at one end thereof to the housing (2), and at another end thereof to one end portion of the flexible strap (5); and

(c) at least one strap retractor device mounted to at least one side of the carry case (1), the second side of the carry case being generally opposite the first side, the strap retractor device having the housing (2) and at least two resilient coil-type

extension springs (9) coupled at one end thereof to the housing (2), and at another end thereof to the second end portion of the flexible strap (5),

whereby the first and second end portions of the flexible strap are retracted into each respective housing (2) by inward forces provided by the resilient spring (9), and when outward forces are applied the flexible strap (5) to cause the first and second end portions to move away from the housing (2), the springs (9) become extended so as to permit outward movement of the strap (5) away from the carry case (1), while providing resilient return force to the strap (5), such that when the outward forces are removed, each end portions of the flexible strap (5) returns to respective stored positions within each respective housing (2) and the central portion of the strap (5) between the opposed end portions assumes a position closer to the carry case (1).

Regarding claim 57, Martin as modified by Siegert et al., each housing (2) is an elongated member having at least three sides, the first side having means to attach one end of each spring (9) thereto.

Regarding claim 58, Martin as modified by Siegert et al., discloses the first side of each housing is shorter than the second and third sides.

Regarding claim 59, Martin as modified by Siegert et al., discloses the strap retractor device includes the slider device coupled to the opposite ends of the springs, and one end of the flexible strap is attached to the slider device.

Regarding claim 69, Martin as modified by Siegert et al., discloses the first and second retractor strap device are mounted dot the frame structure of the carry case and concealed within respective parts of the carry case.

Regarding claim 71, Martin as modified by Siegert et al., discloses the method step of the carry case having the frame structure and the first and second retractor devices are mounted to the frame structure.

Regarding claim 72, Martin as modified by Siegert et al., discloses the method step of concealing the first and second strap retractor devices within the respective first and second parts of the carry case.

Regarding claim 73, Martin as modified by Siegert et al., discloses the method step of the carry case being an item of luggage.

Regarding claim 74, Martin as modified by Siegert et al., discloses the method step of each retractor strap device comprises the housing (2) and each extension spring (9) is retained within the housing (2), each spring (9) having the first end coupled to the housing (2) and the second end coupled to the slider device, the slider device (36) adapted to selectively take-up and extend the strap (5) in response to forces applied to the strap (5).

Regarding claim 75, Martin as modified by Siegert et al., discloses the method step of each end of the strap (5) being coupled to a respective slider device (36), and each slider device (36) is coupled to the extension springs (9), each slider device (36) defining the aperture for passage of the strap therethrough, such that when the strap (5) is extended in a direction away from the carry case (1), the springs (9) are extended, and when the strap (5) is relaxed, the springs (9) retract and cause the strap (5) to retract and be stored within the housing (2).

Allowable Subject Matter

4. Claims 46 – 52, 60 – 66 & 76 – 82 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 53 – 54 are allowed.

Response to Arguments

6. Applicant's argument with respect to claim 70 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESTER L. VANTERPOOL whose telephone number is (571)272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L. V./
Examiner, Art Unit 3782

/Nathan J. Newhouse/
Supervisory Patent Examiner, Art Unit 3782